

Jody Williams, Nobel Peace Prize Laureate (1997)

September 18, 2021

Hon. Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street
New York, N. Y. 10007

Re: United States v. Donziger, No. 19-cr-561 (LAP), 11-civ-691 (LAK)

Dear Judge Preska:

My name is Jody Williams and I have been a human rights and peace activist since the beginning of the 1980s when I was involved in various efforts to stop the wars in Central America. It was during those years that I met Steven Donziger, a young journalist focused on unraveling the truth of the wars in the region and their impact on the impoverished civilians caught in the crossfire of guns and ideologies.

After graduating from Harvard Law, he could have taken his law career in many directions but Steven never lost his commitment to defend human rights and justice. I need not describe here his journey defending indigenous and poor Ecuadorians whose lands were despoiled by Texaco/Chevron and who deserve recompense. Donziger's problem was not that he took the case to defend their rights and their environment, his problem was that he won a \$9.5 billion judgement against Chevron and he continues to pay the price for fighting for justice.

Time and time again, I and dozens of my Nobel Prize colleagues have spoken out in support of Steven and against the judicial and corporate harassment that he has suffered for far too long. Like many others, we are appalled and outraged that he has spent over two years incarcerated in his own home for a "crime," the maximum sentence for which would be six months in jail. He has already spent more than four times that under house arrest.

1095 South Valley Road, Putney, Vermont 05346

At his sentencing on October 1, he should not be sent to jail for an additional six months but released for “time served.” The travesty of justice under which he has been living for the past two years should not be further exacerbated by sending him to jail for an additional six months. Revenge justice is no justice at all.

Sincerely,

Jody Williams, Nobel Peace Prize Laureate

Luis Yanza
Coca, Ecuador
lfya62@gmail.com

22 de sep. de 21

Honorable Loretta Preska
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *Chevron v. Donziger*, Case No. 19 Cr. 561 (LAP)

Dear Judge Preska:

My name is Luis Yanza. Since 1993, I have worked in various capacities (often as President) for the *Frente de Defensa de la Amazonía* (Frente). This democratically-elected community organization was formed by communities in the Sucumbíos and Orellana provinces to centralize local control over the complex, multi-decade environmental litigation against Chevron Corporation that this Court is surely familiar with. Over the last 28 years, I have coordinated hundreds of community meetings and paid thousands of visits to the homes of farmers and Indigenous peoples whose lands were contaminated by Chevron, whose health is threatened by the contamination, and who in so many cases have lost loved ones to cancer, leukemia, and other oil-related illnesses. I was awarded the Goldman Environmental Prize in 2008 for my commitment to environmental and human rights issues. I have articles and books on the experiences of the communities with the contamination and the litigation, including *Las voces de las víctimas* (2014) y *Liderazgo comunitario* (2017).

Since 1993, I have also worked in close collaboration with Steven Donziger. There were many years where we talked almost every day. We have worked together to solve complex problems. We have celebrated triumphs and endured extraordinary setbacks and pressures. We have travelled together for hundreds, maybe thousands of miles in un-airconditioned transport buses. I know his family intimately and he knows mine, especially my daughter Shuyana, who a few days ago obtained her veterinary degree thanks to a scholarship at the best university in Ecuador. Steven's personal support was key for her to reach this professional achievement. He is and will always be my friend and my colleague.

The Court will soon sentence Mr. Donziger on charges linked to his refusal to turn over information to Chevron and other issues. The Court will understand that I find Mr. Donziger's conviction on these charges to problematic. Nonetheless, with absolute respect for the Court's role as an institution tasked with upholding the rule of law, I humbly ask this Court to show leniency in the sentencing. I respect that in the Court's view Mr. Donziger went astray in how he responded to orders of Judge Kaplan in the civil case, but I hope this dereliction can be seen in the context of the decades of unwavering service that Mr. Donziger has given to the communities

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in Ecuador, their environmental cause, and the broader cause of corporate accountability and global justice. I am a direct eyewitness to that service, especially at the level of the local communities in Sucumbíos and Orellana.

Mr. Donziger is respected, trusted, and beloved throughout the communities represented by the Frente. This comes from the persistent and deeply personal nature of his commitment to these communities. He has traveled not just to Ecuador but down to the remote rainforest regions affected by the contamination more than a hundred times. When he visits, he takes his time, listening to the people for hours upon hours. In these encounters, he treats people as real people, not mere subjects in a lawsuit. He learns about their histories and families, and follows-up the next time he sees them. He treats them as intelligent and competent—which they are, even when sometimes they lack formal education. Over the years he has built dozens of longstanding friendships, mentorships, and personal connections with people in the region.

Steven also shows his commitment to the people of Ecuador through his professionalism. He demonstrates a commitment to transparency and always puts in effort to bring people information about the progress of the case or obstacles that our team is facing. He demonstrates his respect for the authority of the people to make their own decisions about the litigation and other aspects of their lives by respecting the decisions of the people as expressed through the Frente and other legitimate community organizations, by trusting them with information, and by showing up for countless court dates, community forums, memorials, and other gatherings. Steven is quick to tell people that this is their litigation, not his, and that he works at their service.

None of what I say here is new or controversial in the communities in which I work. But to make my words more concrete for the Court, I will also recount just one of many examples of Steven's work that illustrates the mix of professional commitment and personal empathy that has made him such an important figure in the history of these communities.

In January 2017, Rosa Moreno died of cancer in the small town of San Carlos, in the province of Orellana. Rosa was a nurse in her community for almost 30 years. In addition to providing medical care of all kinds, Rosa recognized in the 1990s that her community was suffering was what seemed to be extraordinary rates of cancer and related diseases. For decades, Rosa not only tended to those losing their lives to such diseases but to keeping meticulous records of the incidents. At a time when no government or other public health organization was compiling such information (or providing care), her records became a critical source of information.. Her records were used alongside other data in a series of epidemiological studies in the early 2000s that confirmed her and others' worst suspicions about the epidemic of diseases ravaging the region.

Rosa's death—from cancer—was particularly traumatic for San Carlos and the communities. To an extent it also triggered panicked feelings by community members that despite their years' of effort and their resounding legal victories at all layers of the judicial system up to Ecuador's Supreme Court, their claims against Chevron would never be vindicated

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Coca, Ecuador

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before they died. Steven showed great leadership during this time. He had also been friends with Rosa for decades and was deeply affected by her death. In early 2017, he made numerous phone calls to people in the region, including Rosa's husband, to share grief. He published tributes to her which were translated into Spanish. And Steven made detailed plans for a trip in early February 2017 to celebrate and mourn Rosa, especially with her husband Alfonso and other community leaders in San Carlos. It was an opportunity for the communities to come together and renew their commitment and strength.

Although I did not take them personally, I recognize the photos attached at Annex A to show moments from the visit by Steven in February 2017. To be clear, while these photos reflect personal relationships, they were taken at public events and contain no confidential or privileged information. They also show only a little of what went on in those few days, and only a snapshot of the relationships between Steven and the community members. At a series of public forums, Steven and other persons shared their feelings about Rosa's death, presented and received community-made memorials to her life, and honored her work.

Rosa's work and life were also honored by continuing the struggle: Steven and other Frente leadership made presentations on the status of the case and answered questions about strategic decisions, fund-raising, and other issues. Steven spoke with particular eloquence about the historic victory of the environmental case in Ecuador and its affirmation on appeal to the Ecuador Supreme Court—a victory that continues to serve as an inspiration to affected peoples around the world who fear they lack the power to confront a powerful multinational using their own justice institutions. The professionalism and solidarity evident in the forums themselves also served as a reminder of how important the organizing around the litigation has been for the communities to come together and understand their rights and capacities in a range of contexts well beyond the environmental case.

Steven has served an absolutely critical role in the litigation, the organizing, and the community-building, notwithstanding all the setbacks from Chevron's collateral attacks on the Ecuador case and on Steven personally. No other outsider has played a role anywhere near as important. Steven's ability to serve like this was earned over time—showing up, year after year, always caring deeply, always committed in his heart and in his actions. He is beloved in the communities of Ecuador for very good reason.

I humbly ask that when Court considers what would be a just sentence, it take time to consider Steven's many decades of daily professional and personal service to the affected peoples of Sucumbíos and Orellana.

[español]

Mi nombre es Luis Yanza. Desde 1993 he trabajado en diversos cargos (a menudo como presidente) en el *Frente de Defensa de la Amazonía* (Frente). Esta organización comunitaria,

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Coca, Ecuador

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constituida democráticamente, se formó para que las comunidades de las provincias de Sucumbíos y Orellana, en Ecuador, pudieran unificarse para coordinar a nivel local el complejo litigio ambiental de varias décadas contra Chevron Corporation, litigio con el que este Tribunal seguramente está familiarizado. Durante los últimos 28 años he coordinado cientos de reuniones comunitarias y realizado miles de visitas a hogares de familias indígenas y agricultores cuyas tierras fueron contaminadas por Chevron, atentando contra su salud y causando la pérdida de sus seres queridos a causa del cáncer, la leucemia y otras enfermedades derivadas de la contaminación por petróleo. En 2008 fui galardonado con el Premio Ambiental Goldman por mi compromiso con las causas ambientales y los derechos humanos. Las experiencias del litigio que estas comunidades han realizado a causa de la contaminación han quedado plasmadas en los distintos artículos y libros que he publicado sobre el tema, incluyendo *Las voces de las víctimas* (2014) y *Liderazgo comunitario* (2017).

Desde 1994, también he trabajado en estrecha colaboración con Steven Donziger. Hubo muchos años en los que hablamos casi todos los días. Juntos hemos colaborado en la resolución de problemas complejos, hemos celebrado los triunfos y padecido adversidades y presiones extraordinarias. Juntos hemos recorrido cientos, o quizá miles, de millas en autobuses sin aire acondicionado. Conozco a su familia íntimamente y él conoce la mía, especialmente a mi hija Shuyana, quien hace pocos días obtuvo su grado de médica veterinaria gracias a una beca en la mejor universidad de Ecuador. El apoyo de Steven también fue clave para que ella pudiera ser ahora una profesional. Él es y será siempre mi amigo y mi colega.

La Corte pronto sentenciará al Sr. Donziger por cargos relacionados con su negativa a entregar información a Chevron y otros asuntos. La Corte comprenderá que la condena del Sr. Donziger, con base en estos cargos, me resulta problemática. No obstante, con absoluto respeto por su papel como institución defensora del estado de derecho, me acerco a esta Corte, para pedir humildemente que se muestre indulgencia en la sentencia. Si bien, es la opinión de la Corte, que el Sr. Donziger actuó de forma errática en respuesta a las órdenes del Juez Kaplan en el caso civil, esta negligencia debe entenderse en el contexto de las décadas de servicio inquebrantable que el Sr. Donziger ha brindado a las comunidades de Ecuador durante este litigio, su causa ambiental y la lucha más amplia para alcanzar la responsabilidad corporativa y justicia global. Soy testigo directo de ese servicio, y en particular del trabajo llevado a cabo en las comunidades locales de Sucumbíos y Orellana.

El Sr. Donziger se ha ganado la confianza, el respeto y el afecto de todas las comunidades representadas por el Frente de Defensa de la Amazonía gracias a la naturaleza persistente y profundamente personal de su compromiso con estas comunidades. El Sr. Donziger ha viajado en un centenar de ocasiones, no solo a Ecuador, sino también a las remotas regiones selváticas que han sido afectadas por la contaminación. Durante sus visitas, se toma el tiempo de escuchar a la gente durante horas y horas. En estos encuentros, lejos de ver a la gente como meros sujetos anónimos en una demanda, su trato es digno y humano, se interesa de manera genuina por sus historias y familias, y hace un seguimiento en los siguientes encuentros. Los trata como personas inteligentes y competentes que son sin importar que en ocasiones carezcan de educación formal.

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Coca, Ecuador

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A lo largo de los años, ha fungido como guía y ha construido amistades y conexiones personales duraderas con personas de la región.

El profesionalismo del Sr. Donziger también es una muestra más de su compromiso con la gente. Ha demostrado un compromiso con la transparencia y trabaja siempre para mantener a las personas informadas sobre el progreso del caso u obstáculos que enfrenta nuestro equipo. Siempre respeta la autoridad de las comunidades para tomar sus propias decisiones con respecto al litigio y otros aspectos de su vida, expresadas a través del Frente y otras organizaciones comunitarias legítimas. Les confía información y ha asistido a innumerables citas en la corte, foros comunitarios, memoriales y otras reuniones. Steven regularmente le dice a la gente que este es su litigio, no el suyo, y que él trabaja a su servicio.

Nada de lo que digo aquí es una novedad o está sujeto a controversia en las comunidades en las que trabajo. Para que mis palabras sean más concretas para la Corte, también contaré solo uno de tantos ejemplos del trabajo de Steven en la comunidad, que ilustra bien la mezcla de compromiso profesional y empatía personal que ha hecho de Steven una figura tan importante en la historia de estas comunidades.

En enero de 2017, Rosa Moreno murió de cáncer en la pequeña localidad de San Carlos, en la provincia de Sucumbíos. Rosa fue enfermera en su comunidad durante casi 30 años. Además de brindar atención médica de todo tipo, Rosa reconoció en la década de 1990 que su comunidad estaba sufriendo lo que parecían ser tasas extraordinarias de cáncer y enfermedades relacionadas. Durante décadas, no solo atendió a quienes perdían la vida a causa de tales enfermedades, sino que también mantuvo un registro meticuloso de los incidentes. En un momento en que ningún gobierno u otra organización de salud pública recopilaba dicha información (o brindaba atención), sus registros se convirtieron en una fuente fundamental de información. Sus registros se utilizaron junto con otros datos en una serie de estudios epidemiológicos a principios de la década de 2000 que confirmaron las peores sospechas de Rosa y de otros sobre la epidemia de enfermedades que asola la región.

La muerte de Rosa, por cáncer, fue particularmente traumática para San Carlos y las comunidades. Hasta cierto punto, también provocó el temor en los miembros de la comunidad de que sin importar los años de esfuerzo y las contundentes victorias legales en todos los niveles del sistema judicial hasta la Corte Suprema de Ecuador, sus reclamos contra Chevron nunca recibirían justicia antes de su muerte. Steven mostró un gran liderazgo durante este tiempo. También había sido amigo de Rosa durante décadas y estaba destrozado por su pérdida. A principios de 2017, hizo numerosas llamadas telefónicas a personas de la región, incluido el esposo de Rosa, para compartir el dolor. Publicó homenajes para ella que fueron traducidos al español y circularon entre las comunidades. Steven hizo planes detallados para realizar un viaje a principios de febrero de 2017 con el propósito de expresar sus sentimientos a la familia de Rosa, especialmente a su esposo Alfonso, y a otros líderes de la comunidad San Carlos. Fue la oportunidad para unirse con las comunidades con un compromiso y una fuerza renovados.

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Coca, Ecuador

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Aunque no las tomé yo personalmente, reconozco las fotos adjuntas en el Anexo A para mostrar momentos de la visita de Steven en febrero de 2017. Para ser claros, si bien estas fotos reflejan relaciones personales, fueron tomadas en eventos públicos y no contienen información confidencial o privilegiada. Se muestran solo un poco de lo que sucedió en esos pocos días, y solo una instantánea de las relaciones entre Steven y los miembros de la comunidad. En una serie de foros públicos, Steven y otras personas expresaron sus sentimientos sobre la muerte de Rosa, compartieron y escucharon memoriales de su vida hechos por la comunidad y honraron su trabajo.

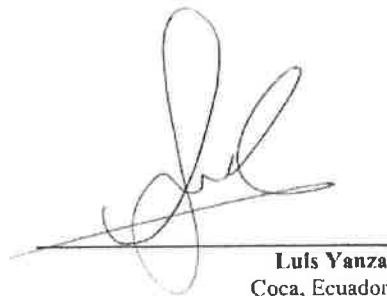
El trabajo y la vida de Rosa también son honrados al continuar la lucha: Steven y otros líderes del Frente hicieron presentaciones sobre el estado del caso y respondieron preguntas sobre decisiones estratégicas, recaudación de fondos y otros temas. Steven habló con particular elocuencia sobre la histórica victoria del caso ambiental en Ecuador y su ratificación durante la apelación ante la Corte Suprema de Ecuador, un éxito que sigue sirviendo de inspiración a los pueblos afectados de todo el mundo que temen carecer del poder para afrontar a una poderosa multinacional que utiliza sus propias instituciones de justicia. El profesionalismo y la solidaridad evidentes en los foros también sirvieron como recordatorio de lo importante que ha sido la organización en torno al litigio, para que las comunidades se unan y comprendan sus derechos y capacidades en una variedad de contextos mucho más allá del caso de contaminación ambiental.

Steven ha desempeñado un papel absolutamente crítico en el litigio, la organización y el fortalecimiento de la comunidad, a pesar de todos los obstáculos que han representado los ataques colaterales de Chevron contra el caso de Ecuador y contra Steven personalmente. Ningún otro extranjero ha jugado un papel tan importante. La capacidad de Steven para servir así se ganó con el tiempo, estando presente año tras año, siempre con preocupación profunda, siempre comprometido en su corazón y en sus acciones. Steven es querido en las comunidades de Ecuador por muy buenas razones.

Pido humildemente a la Corte, que cuando considere una sentencia justa, se tome el tiempo para tomar en cuenta todas las décadas de trabajo diario en lo profesional y lo personal que Steven ha compartido con los pueblos afectados de Sucumbíos y Orellana.

Sincerely,

Luis Yanza

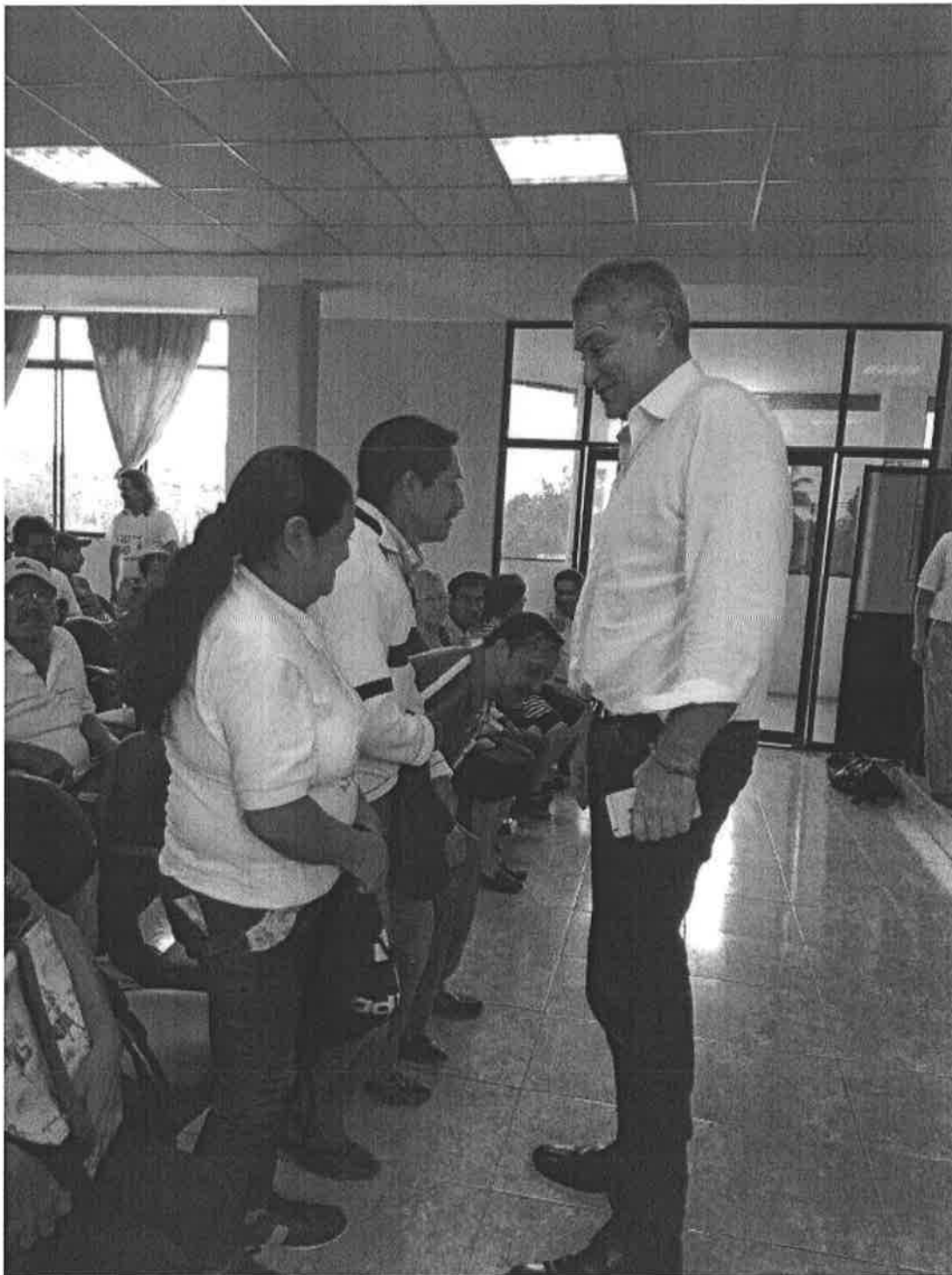


Luis Yanza
Coca, Ecuador

ANNEX A
Photos



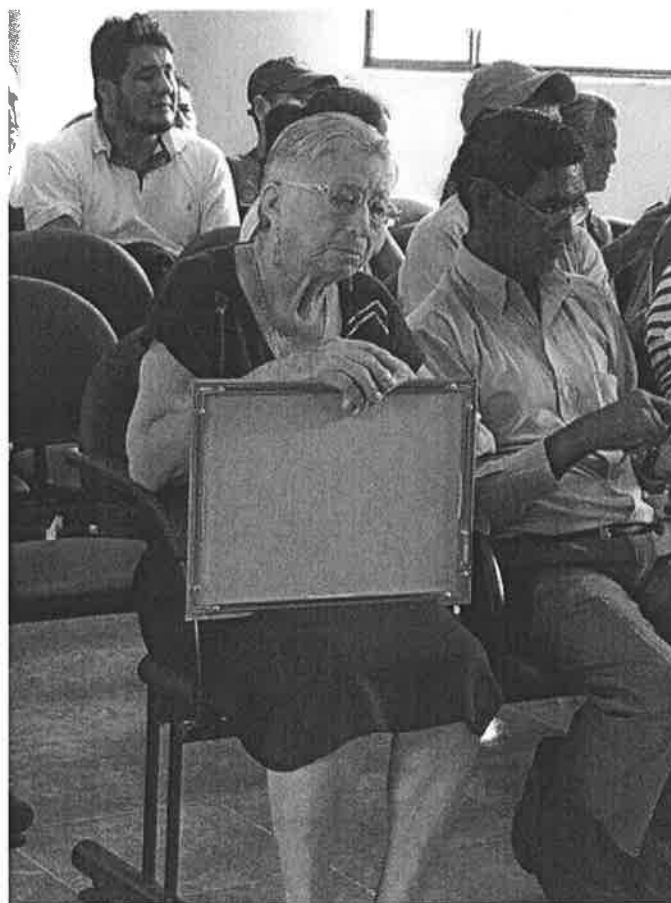
















Pachamama Alliance

Honorable Loretta A. Preska
United States District Court, Southern District of New York
500 Pearl Street
New York, NY 10007

September 16, 2021

Re: United States v. Donziger

Dear Judge Preska,

Please accept this letter in support of Steven Donziger. I am the Founder and Chief Executive of the Pachamama Alliance, a San Francisco based non-profit organization that has been working with indigenous communities in the Ecuadorean Amazon since 1995. Prior to founding Pachamama Alliance, I spent 25 years working in management consulting and then investment banking after graduating with a bachelor's degree in engineering from Stanford and receiving a master's degree in business administration from Northwestern. My banking career involved arranging equipment, aircraft and vessel financings for many of the world's largest corporations. At one point, Chevron Corporation was a client.

I have known Steven Donziger for over 20 years. We met in Ecuador while we were both working to support the development of indigenous Amazonian communities. He was working with the communities affected by petroleum extraction in the northern Amazon region of Ecuador while I was working with communities in the southern part of Ecuador's Amazon attempting to stop the expansion of the petroleum frontier into that region. Our missions intertwined and we connected. We frequently visited each other's projects and learned about each other's work. I developed a deep respect and admiration for Steven, for his professionalism, his immense dedication to his clients and the skill with which he built and managed the Ecuadorean legal team which included numerous lawyers, technical experts, and support staff.

We both shared the many challenges that we, as U.S. citizens, faced in trying to overcome cultural differences with our Ecuadorian colleagues. I always admired Steven for his ability to connect with the people of Ecuador and the affected communities. He is a person who is open and embracing of others, curious about their stories, and genuinely interested in their well-being.

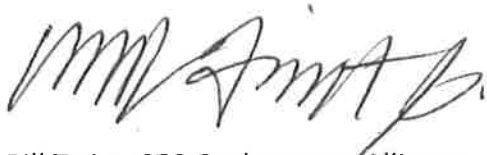
Steven was also always a generous supporter of my work. He traveled with me in Ecuador and explained to people, from his first-hand knowledge, about the problems of oil development in pristine rainforest regions. I've watched him speak about the Chevron case numerous times and he always presents a balanced, grounded and objective legal analysis. He has always shown up as a true lawyer, deeply committed to his cause and to doing right by his clients. He is in this for the long haul and I find him to be a person of great integrity and principle. I know it is not a relevant issue in the case before you, but I find that the unethical practices he was accused of by Chevron's lawyers in Ecuador (which have been rejected as a factual matter by Ecuador's courts) are entirely inconsistent with the Steven Donziger that I know.

I also have gotten to know Steven's family well over these years. We have visited each other's homes and we speak together often. I have met his wife Laura and son Matthew who have been deeply impacted by Steven's house arrest. When Steven reached out for help over two years ago, I posted the bond that kept him out of jail at that time because I believe absolutely in his integrity.

Steven and I visit when I am in New York and we talk often on the phone. I know the impact of the two years of house arrest has been devastating for Steven and his family even though Steven does a good job of hiding it. I ask in your sentencing considerations that you find that Steven already has served his required time based on his house arrest and that you avoid sentencing him to prison.

Thank you for the consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Twist', with a stylized, cursive script.

Bill Twist, CEO Pachamama Alliance



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September 14, 2021

Hon. Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street
New York, N.Y. 10007
Via ECF

Re: United States v. Donziger, No. 19-cr-561 (LAP), 11-civ-691 (LAK)

Dear Judge Preska,

My husband Bill and I have known Steven Donziger for more than 15 years. He is a brilliant and committed attorney and stands with his heart and soul for the highest and best for humanity and the world. He has worked intimately and courageously with the indigenous people of the Amazon Rainforest in Ecuador for all of his adult life and is one of the kindest, most responsible, competent, honest, and committed attorneys on this earth.

We are the co-founders of the Pachamama Alliance and we have worked in the Ecuadorian Amazon for the last 26 years and work now with more than 35 indigenous nations to protect the Sacred Headwaters of the Amazon, an eco-system that is critical to the long term future of life. We have the greatest respect for Steven and stand for him, his character, his humanity, and his integrity.

He and his family have devoted everything to ensuring that the Amazon rainforest and its people are protected and empowered to play their rightful role in ensuring the sustainability of those precious forests and the ultimately the sustainability of life itself.

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OF MONEY
Institute

Somehow, he has been terribly misunderstood, oppressed, and unfairly treated by your court and has been in home detention for an unbelievable two years.

That is punishment enough for this human rights hero of the first order.

I ask with all my heart that you release him and declare "time served" and allow him to lead a normal life again. He deserves our respect and love for his commitment, not more punishment and I ask that you release him knowing that he is a man of dignity, honor, integrity, and courage and deserves to have his life back.

With respect,

A handwritten signature in black ink, which appears to read "Lynne Twist". The script is fluid and cursive.

Lynne Twist
Co-founder, The Pachamama Alliance
Author, The Soul of Money
President, The Soul of Money Institute
Trustee, The Fetzer Institute

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September 14th, 2021

Hon. Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street
New York, N. Y. 10007

Ian Watson
436 Highfield Road
Mansons Landing, B.C.
V0P 1K0 Canada

Re: United States v. Donziger, No. 19-cr-561 (LAP), 11-civ-691 (LAK)

Dear Judge Preska,

I am the Managing Partner of our family office Watson Asset Management, based in London UK. I spend my time between London and the west coast of Canada. I have been involved in a number of not for profit organisations; as Chair of the Hunger Project for ten years, co-founder and Chair for ten years of Partners for Youth Empowerment that works with hundreds of thousands of youth around the world; as Executive Producer of the PBS documentary called 'Forgiveness' and as Executive Producer of a number of programs for the organisation Search for Common Ground.

I have had a long time interest in the environment and in particular it's effect upon the changing climate of our planet. I made a trip to North Eastern Ecuador five years ago and was able to observe the residual pollution that Texaco / now Chevron left behind them from their oil extraction. I had the opportunity to meet and see the condition that the Indigenous people were in as a result of the extensive pollution created by Texaco / Chevron. I could see that the Indigenous communities looked upon Steven Donziger as someone who was fighting in their corner. We have supported Steven, and will continue to do so. He is a brave, passionate environmentalist with unquestioned integrity.

I have subsequently had many conversations with Steven, and remain convinced that his actions are focused on helping others rather than himself.

It seems ludicrous to think that Steven could be treated as a flight risk, causing him to spend two years in virtual lockdown with a large ankle bracelet, and that he is now facing a possible six months in jail. I am shocked at the inequality of this situation, and hope that sound judgement and justice will now prevail. I urge you to release him for time served.

Best wishes,

A handwritten signature in dark ink, appearing to read 'Ian Watson', written over a light blue horizontal line.

Ian Watson